

interlocking with the defining walls of the ball member-receiving bore of one of said socket-forming and driver-receiving parts so that rotation of said one part will impart similar rotation to said ball-forming member, and the other longitudinal end of said part is a ball-forming end which fits into the ball member-receiving bore of the other such part; and

a pin extending transversely through a slot in said ball-forming member, said slot having an hour glass-shape viewed in a longitudinal plane and a constant narrow shape of about the size of said pin viewed in a plane transverse to said axis, to permit rotation of one of said parts relative to the other of same in at least the longitudinal plane in the wrench.

14. The socket wrench-making parts of claim 8 wherein said driver member-receiving bores are of identical size and shape so that one driver member can be inserted into either one of driver member-receiving bores, whereby only one driver member is needed to rotate the wrench for the two different sizes of elements to be driven by the wrench.

REMARKS

The claims 1-7 have been replaced by new claims 8-14. It is respectfully submitted that these new claims which are drawn to the most useful form of the invention which permits the wrench user to access difficult to reach elements to be driven by the wrench due to the fact that the two ends of the wrench are pivotable with respect to each other define a wrench far more easily useable than those of the prior art. Only one of the prior art patents cited or applied by the examiner has a pivot feature, namely the Jarvis '441 patent, but the wrench of this patent is clearly different from and inferior to that claimed. Also, it is submitted that this patent is not properly combinable with other patents without the use of impermissible hindsight and knowledge of applicant's invention to meet limitations of even the broadest independent claims 8 and 14.

The Examiner criticized the form of the original claims. Applicant's attorney has made a substantial effort to overcome this

criticism in writing the replacement claims 8-14. Claims 8-12 are drawn to the parts making up the assembly of claims 13 and 14 and are sufficiently broadly drawn to be both readable on the dis-assembled or assembled parts so that, for example, they will cover directly the shipment of assembled or dis-assembled parts to foreign countries or U.S. customers. Thus, even shipment of dis-assembled parts to a foreign country or U.S. customer will be a direct infringement of the patent.

Claim 8 and 14 claim such parts to include a pair of socket-forming and driver-receiving parts interconnected at their inner ends by a ball member-forming part. (The claims contain details which specifically define what is meant by inner and outer ends etc. not needed for this explanation of why the claims should be allowed over the prior art.) These pair of parts are said to have differently sized non-circular sockets adapted to be applied over differently sized elements to be driven by the wrench. The sockets open at their outer ends onto the exterior of the part involved and an opposite or inner end which opens onto a smaller driver member-receiving bore having defining walls adapted to interlock with a driver member insertable into the same through the outer ends thereof. The ball member-forming part has one end adapted to be interlocked with the inner end of one of the socket-forming and driver-receiving parts and another opposite ball-forming end which is adapted to be pivotally connected to and located within a bore within the inner end of the other such part.

As above indicated, the only patent which has a pivot feature, the Jarvis patent, does not have any of the details of the features just recited. The specification of this patent is so poorly written that it is difficult to understand. It appears that to use the wrench for rotating different sized bolt, the adapter part 5, which is not the driver member, must be moved from one end to the other of the wrench when a different sized bolt must be rotated by the wrench. Also, some of the particular sockets and bores recited in the independent claims 8 and 13 and the claims depending thereon

are not present. For example, independent claim 13 describes that the ends of the ball member-forming part fit into bores in the inner ends of the pair of socket-forming and driver-receiving parts. The Jarvis patent has no such construction. The other patents cited by the Examiner without knowledge of applicant's invention do not teach how the Jarvis construction is to be modified to meet even the independent claims 8 and 13.

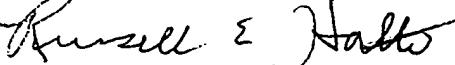
Claims 12 and 14 add that the driver-receiving bore are of substantially identical size so that only a single driver member is needed. The Jarvis patent does not have this simple construction.

Claim 11 states that the inner ends of the socket-forming and drive-receiving parts have substantially the same sized ball member-receiving bores. This makes assembly easy because the assembler does not have to worry about parts orientation.

Even if the patents were combinable without the exercise of invention, it is not seen how the resulting wrench meets most or all of the above described features.

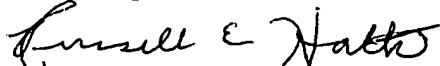
The allowance of the new claims 8-14 is, therefore, respectfully requested.

Respectfully submitted,


Russell E. Hattis

Applicant's attorney

I hereby certify that this amendment is being deposited on December 16, 2002 with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Commissioner for Patents, Washington D.C. 20231


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